

IN THE MATTER OF THE)
)
) **CASE NO.:** _____
)
 _____ **OF:**)
)
 (Estate/Guardianship/Trust))
)
) **APPLICATION FOR AUTHORITY TO**
) **EXECUTE RELEASE UNDER SPECIAL**
) **LITIGATION CLAIMS [LOC. R. 70.5 (B)]**
) **-AND-**
 RE: ASBESTOS CLAIMS) **DECISION AND ORDERS THEREUPON**
)
)

Your fiduciary therefore requests authority to execute a release in favor of _____,
a defendant manufacturer/supplier of asbestos products, and represents that the expected settlement sum to be paid by
such defendant amounts to \$ _____ and that the anticipated date of such payment is _____.

Respectfully submitted,

Fiduciary:

Signature/Title
Typed Name
Street Address
City, State, Zip
Area Code/Phone

DECISION AND ORDERS

☐ For cause, the Fiduciary's application for authority to execute a release in favor of the within identified defendant asbestos manufacturer/supplier, and for the settlement sum indicated, is SUSTAINED, provided however, that the Fiduciary, the Attorney of Record for the within Estate and the Litigation Counsel engaged to represent the within Estate in pursuing its asbestos related claim are COMMANDED and ORDERED, jointly and severally and immediately upon their, or any of their, receipt of the settlement monies from or on behalf of this settling defendant, to deposit the entire gross settlement sum so received into an interest bearing, wholly restricted account, in the name of the Estate and further identified as "*f.b.o. Wrongful Death/Survival Beneficiaries*," with a local financial institution within Mahoning County, Ohio, and they shall then immediately obtain and file a *Verification of Receipt and Deposit* (Local Form 22.3 M.C.) therefore with the Court.

☐ Upon review and after due consideration, the Fiduciary's application for authority to execute a release in favor of the within defendant asbestos manufacturer/supplier is OVERRULED and DENIED.

Further Orders (If applicable.):

The Clerk shall cause copies of the within Decision and Orders to be served upon the Fiduciary, the Attorney of Record for this Estate and upon the Litigation Counsel, all via ordinary mail and the Clerk shall enter the fact of such service upon the docket.

Dated: _____

Judge/Magistrate

JUDGMENT ENTRY AND ORDERS UPON THE MAGISTRATE'S DECISION

☐ After independent review and pursuant to Civ. R. 53 (E)(4)(c), the within Magistrate's Decision is hereby confirmed and adopted as a final Judgment and the Order(s) of this Court.

☐ After independent review and consideration, the Court rejects the within Magistrate's Decision and DENIES and OVERRULES the Fiduciary's application.

Dated: _____

Hon. Timothy P. Maloney, Judge